

Application No.: 09/843,638

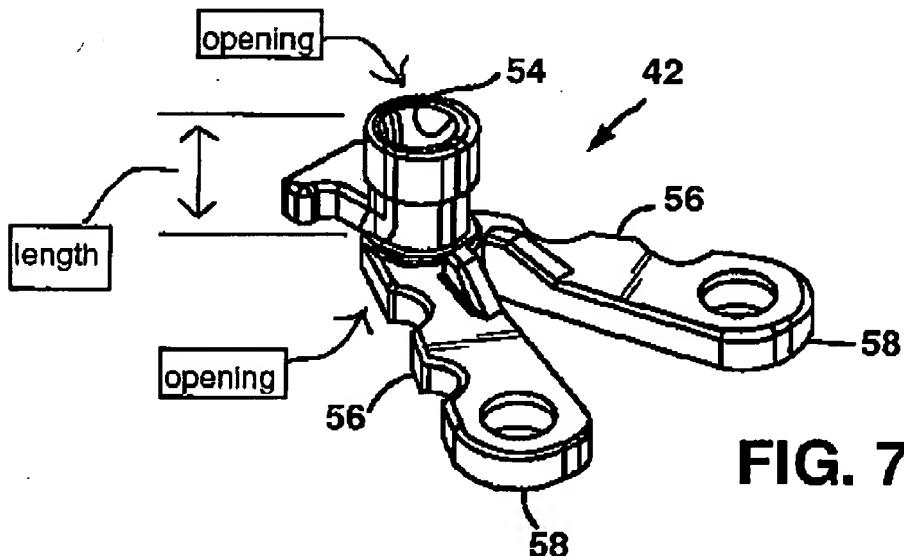
Amendment Dated: July 8, 2004

Reply to Office Action of: May 19, 2004

REMARKS

Applicants respectfully request entry of the amendment and reconsideration of the merits of the claims in light of the amendment above and the remarks that follow. Upon entry of the above amendment, claims 1-9, 13-30, and 34-45 will remain pending and claims 1-9, 13-19, 24, 25, 27, 28, 34, 36-42, 44 and 45 will remain under current consideration. By this amendment, claims 1, 13, 34, and 42 have been amended. No new matter has been added by the amendment. Support for the amendment may be found at, e.g., Figures 7 and 8.

For the Examiner's convenience, Figure 7A has been annotated to illustrate the amendments made. The annotated Figure is provided below:

**FIG. 7a**

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Telephone Interview

Applicants thank the Examiner for extending the courtesy of a telephone interview on June 29, 2004 with Applicants' representative, Keith Campbell. During the telephone interview, the outstanding prior art rejections were discussed, as were proposed claim amendments. Applicants' representative indicated that claim amendments to further distinguish over Romkee (US 5,603,730) would be contemplated. Applicants assert that the amendments presented hereinabove patentably distinguish the present claims from Romkee.

Claim Rejections under 35 U.S.C. §§ 102 and 103

Claims 1-5, 8, 8, 13-19, 25, 27, 28, 34, 36, 37, 40-42, 44, and 45 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Romkee (US 5,603,730), and claims 6-7 and 38-39 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over by Romkee. Applicants traverse the rejections to the extent they are maintained.

The Office Action stated, "Romkee shows a discontinuous inner surface since there is an opening that allows for the sleeve to flex; the opening provides the inner surface." While Applicants disagree with such an interpretation of Romkee and assert that Romkee teaches a continuous surface having an opening, Applicants respectfully assert that the presently amended claims make clear a distinction between the claims and Romkee. More specifically, the claims now recite that the discontinuity in the inner surface extends the entire length of the grip element, which length extends from the boundaries of a first and second opening of the grip element (see, e.g., annotated Figure 7A provided herein). Romkee does not teach a discontinuous surface as presently claimed. In addition, in some embodiments, the presently claimed invention can allow for insertion of the therapy delivery element along the length of the grip element. See, e.g., page 8, lines 3-6 of the present application. This is not possible with the Romkee device.

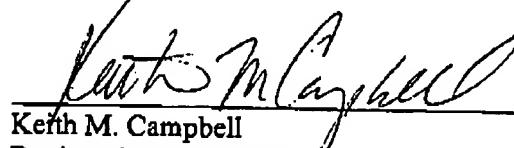
At least for the reason that Romkee does not teach a discontinuous surface as presently claimed, Applicants assert that the claims currently under consideration are novel and non-obvious over Romkee. Withdrawal of the rejection is respectfully requested.

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Applicants assert that the application is in condition for allowance, and notice to that effect is respectfully solicited. The Examiner is invited to contact the undersigned to facilitate prosecution of the present application.

Respectfully submitted,

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Keith M. Campbell
Registration No. 46,597
MEDTRONIC, INC.
710 Medtronic Parkway NE, M.S.: LC340
Minneapolis, Minnesota 55432-5604
Telephone: (763) 505-0405
Facsimile: (763) 505-0411
Customer No.: 27581